

MILPERSMAN 1910-142

SEPARATION BY REASON OF MISCONDUCT - COMMISSION OF A SERIOUS OFFENSE

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References	(a) Manual for Courts-Martial (MCM) United States (2008 Edition), Appendix 12 (b) 18 U.S.C. §922(g)(9) (c) SECNAVINST 5300.28E (d) 10 U.S.C. §920, §920a, §920b, §920c
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1. **Separation Authority (SA)**. Refer to MILPERSMAN 1910-704 to determine SA. When an administrative separation board is held, refer to MILPERSMAN 1910-710 for guidance in determining SA.

2. **Policy**

a. Members may be separated based on commission of a serious military or civilian offense when the offense would warrant a punitive discharge, per reference (a), for a same or closely related offense.

b. Commission of a serious offense does not require adjudication by non-judicial or judicial proceedings; however, offense must be substantiated by a preponderance of evidence (e.g., copy of police record, Naval Criminal Investigative Service investigation, etc.).

c. Sailors who lose their ability to carry or handle weapons in the performance of their duties due to a qualifying conviction for misdemeanor crimes of domestic violence (DV), per

reference (b), shall be processed for separation for the corresponding DV incident(s).

3. **Mandatory Processing.** See MILPERSMAN 1910-233 Mandatory Separation Processing for a complete list of offenses which administrative separation processing is mandatory. Processing is mandatory for the following:

a. Violent Misconduct - which resulted in, or had potential to result in, death or serious bodily injury (e.g., homicide, arson, armed robbery, assault with a deadly weapon, etc.).

b. Unlawful use of controlled substance analogues (designer drugs), natural substances (e.g., fungi, excretions), chemicals (e.g., chemicals wrongfully used as inhalants), propellants and or a prescribed drug, over-the-counter drug, or pharmaceutical compound with the intent to induce intoxication, excitement, or stupefaction of the central nervous system as defined per reference (c). The following are examples, but are not all inclusive, nor is processing under this article limited to the examples: spice, huffing, and natural substances such as Salvia Divinorum and mushrooms. The wrongful use of controlled substances, including the misuse of steroids, must be processed under MILPERSMAN 1910-146.

c. Drug Paraphernalia - all equipment, products, and materials that are used, intended for use, or designed for use in injecting, inhaling, or otherwise introducing controlled substances into the human body in violation of law.

d. Sexual Misconduct - rape, sexual assault, stalking, forcible sodomy, child sexual abuse, possession or distribution of child pornography, incestuous relationships, or any sexual misconduct that could be charged as a violation of or an attempt to violate reference (d). If child sexual abuse (including incest) occurs, immediately notify:

Commander, Navy Installations Command (CNIC)
Detachment (DET) Millington
Counseling, Advocacy, and Prevention (N911)

and

Navy Personnel Command (NAVPERSCOM)
Enlisted Performance and Separations Branch (PERS-832)/
Reserve Enlisted Personnel Branch (PERS-913)

Note: Administrative processing is mandatory if case is substantiated for child sexual abuse.

e. **Sexual Harassment** (under the following circumstances):

(1) Threats or attempts to influence another's career or job in exchange for sexual favors;

(2) Rewards (including bribes to influence favorably another's career) in exchange for sexual favors; or

(3) Unwanted physical contact of a sexual nature which, if charged as a violation of reference (d), could result in a punitive discharge.

4. **Procedures**. Use the following table to determine processing procedures:

When...	Then use	Except when...	Then use...
offense requires mandatory processing, or commanding officer believes circumstances surrounding offense warrants an under other than honorable (OTH) per MILPERSMAN 1910-300,	administrative board procedure per MILPERSMAN 1910-404,	offense occurred pre-service or in a prior enlistment and was unknown to Navy at time of enlistment or reenlistment and processing for fraudulent enlistment is not appropriate,	MILPERSMAN 1910-402 and process for erroneous enlistment.
offense does not require mandatory processing and CO believes circumstances do not warrant an OTH per MILPERSMAN 1910-300,	notification procedure per MILPERSMAN 1910-402.		

5. Characterization of Separation

a. Further guidance on characterization of service is provided per MILPERSMAN 1910-300. This table provides general information based on type of procedures used.

If...	Then least favorable characterization is...
notification procedure is used,	general (GEN) per MILPERSMAN 1910-308.
administrative board procedure is used,	OTH per MILPERSMAN 1910-300.

b. If member has less than 180 days of service, an entry level separation may be appropriate. See MILPERSMAN 1910-308 for further guidance.